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July 21, 2022

Via ECF and E-Mail

United States District Court
Southern District of New York
500 Pearl Street, Room 1320
New York, New York 10007

Attention: Hon. John P. Cronan (CronanNYSDChambers@nysd.uscourts.gov)

Re: Robert Gordon v. Wilson Elser Moskowitz Edelman & Dicker LLP, Rory L. Lubin, Stuart Miller and John and Jane Doe (said names being fictitious, the persons intended being those who aided and abetted the unlawful conduct of the named Defendant)
Case No. 1:22-CV-05212-jpc

Dear Judge Cronan:

We represent the named Defendants, Wilson Elser Moskowitz Edelman & Dicker LLP, Rory L. Lubin and Stuart Miller (referred to collectively as “Wilson Elser”), in the above-captioned matter. We submit this letter-motion to seal a document, in accordance Rule 4.B.ii, of this court’s individual rules of practice. Specifically, Defendants seek to seal the November 8, 2018 letter from Plaintiff’s Neuropsychologists to Wilson Elser, which is attached as Exhibit B to Defendants’ pre-motion letter seeking a conference regarding Defendants’ anticipated motion to dismiss.

The November 8, 2018 letter is incorporated into and integral to Plaintiff’s complaint. *See, e.g.,* DE #1 (Compl.) at ¶¶89-90 (“On or shortly after November 8, 2018, Defendants received that 3-page report from Dr. Dunkle that diagnosed Gordon with a disability, described his neurological diagnosis as ‘Acute Stress Disorder’ (ICD 10-F43.0) . . .”). The November 8, 2018 letter is relevant to Defendants’ arguments raised in the pre-motion letter and will facilitate discussion of those arguments at the pre-motion conference.

Plaintiff maintains that the November 8, 2018 letter contains confidential information and should be filed under seal. Defendants have no objection to filing the letter under seal at this early stage of the case, as the letter contains information concerning Plaintiff’s health; however, Defendants’ reserve their right to argue later in the case that the letter should no longer remain sealed. *See Robinson v. De Niro*, 2022 U.S. Dist. LEXIS 14384, at *12-*13, 2022 WL 274677 (S.D.N.Y. Jan. 26, 2022) (finding good cause to seal “for now” portions of deposition transcript to the extent the transcript discusses, *inter alia*, a party’s medical issues or mental health treatment); *compare Montgomery v. Cuomo*, 2018 U.S. Dist. LEXIS 35540, 2018 WL 1156842 (W.D.N.Y.

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Mar. 5, 2018) (denying motion to seal documents containing personal health information submitted as exhibits with motion to dismiss where documents had been incorporated into complaint).

Respectfully submitted,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

A handwritten signature in black ink, reading 'John M. Flannery'.

John M. Flannery

JMF:lh

Attachment

cc: Samuel O. Maduegbuna, Esq (via ECF)